



Hon. Sylvia O. Hinds-Radix
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BY ECF

Honorable Magistrate Judge Vera M. Scanlon
United States District Court
Eastern District of New York
225 Cadman Plaza East, 1214 South
Brooklyn, New York 11201

Re: Joseph Garofalo v. New York City, et al., 22 CV 7620 (NM)(VMS)

Dear Magistrate Judge Scanlon:

I am an attorney in the office of Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, and counsel for the defendants – the City of New York and New York City Police Department Commissioner Edward A. Caban¹ – in the above-referenced action. This letter is being submitted jointly with plaintiff to update the Court on the progress of discovery in accordance with Your Honor’s Order dated June 26, 2023.

Both sides have exchanged their initial disclosures pursuant to Federal Rule of Civil Procedure 26(a)(1); Defendants anticipate amending their initial disclosures within the next thirty days. Neither side has served a request for interrogatories or document demands and have no current plans to utilize those discovery devices. The parties also reserve their rights to pursue other discovery methods set forth in Title V of the Federal Rules of Civil Procedure.

¹ Plaintiffs originally named then-NYPD Commissioner Keechant Sewell as a defendant in her official capacity as Commissioner of the New York City Police Department. Sewell resigned effective June 30, 2023. Edward A. Caban was appointed Commissioner of the New York City Police Department on July 17, 2023, by New York City Mayor Eric Adams. Pursuant to Federal Rule of Civil Procedure 25(d), the successor of a public officer is automatically substituted as a party when the originally named public officer “ceases to hold office while the action is pending.”

Respectfully submitted,

/s/

Nicholas Ciappetta
Senior Counsel